

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3345

DATE: November 27, 2001

PROPOSAL: A change of zone from H-1, Interstate Commercial District to H-3, Highway Commercial District.

LAND AREA: 1.45 Acres, more or less

CONCLUSION: Not in conformance with the Comprehensive Plan.

RECOMMENDATION:	H-3, Highway Commercial.....Denial Recommend H-4, General Commercial or remain H-1
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 17 Irregular Tract, located in the NW 1/4 of Section 28 T11N R7E, in Lancaster County, Nebraska.

LOCATION: Generally located on the southeast corner of North 56th Street and Interstate 80.

APPLICANT: Whitehead Oil Company
P.O. Box 30211
Lincoln, NE 68503

OWNER: Same

CONTACT: Mark Hunzeker
Pierson, Fitchett, Hunzeker, Blake and Katt
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508

EXISTING ZONING: H-1, Interstate Commercial District

EXISTING LAND USE: Vacant Gas Station

SURROUNDING LAND USE AND ZONING:

North:	Interstate & Agriculture	AG, Agricultural District
South:	Commercial & Warehouse	H-4, General Commercial District
East:	Commercial & Retail	H-4
West:	Undeveloped & Gas Station	H-1, Interstate Commercial District

HISTORY: On June 15, 1998, City Council approved Change of Zone #3123 from AG, Agriculture to H-4, General Commercial to the south of this site.

On July 14, 1997, City Council approved Change of Zone #3061 from AG, Agriculture to H-1, Interstate Commercial to the west of this site.

On April 7, 1997, City Council approved Change of Zone #3052 from AG, Agriculture to H-4, General Commercial to the east of this site.

On July 1, 1996, City Council approved Change of Zone #2992 from AG, Agriculture to H-1, Interstate Commercial to the southwest of this site.

On March 13, 1995, City Council approved Change of Zone #2883 from H-1, Interstate Commercial to H-4, General Commercial to the south of this site.

On July 5, 1994, City Council approved Change of Zone #2831 from AG, Agriculture to H-4, General Commercial to the northeast of this site.

The area was zoned AA, Rural and Public Use District and H-S, Highway Service until it was updated to AG, Agricultural and H-1, Interstate Commercial during the 1979 zoning update

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Commercial (page 39).

The Comprehensive Plan indicates a goal of urban design is to "Protect and improve important vistas and entryways into the city" (page 175). Interstate 80 is an entryway into the city at 56th Street. This area is also within a capitol view corridor.

TRAFFIC ANALYSIS: The Comprehensive Plan Street and Road Classification indicates North 56th Street as an Urban/Rural Principal Arterial, Arbor Road as an Urban/Rural Minor Arterial and Interstate 80 as an Urban/Rural Interstate Expressway (Page 92).

Arbor Road is within a public way corridor. Arbor Road is shown with 120 feet of right-of-way on the Future Road Improvements map in the Comprehensive Plan (Page 96)

AESTHETIC CONSIDERATIONS: This site is an entryway into Lincoln from Interstate 80. The H-3 zone is inconsistent with surrounding zoning. Parking in the front yard setback as allowed in H-3 is inconsistent with the definite front yards of the H-4 zoning district. More signs of greater magnitude are allowed in H-3 as outlined in the Zoning Ordinance. A consistent and appropriate zoning for the area is either H-1 or H-4 as the adjacent zones indicate.

ALTERNATIVE USES: H-4 Highway Commercial or H-1, Interstate Commercial.

ANALYSIS:

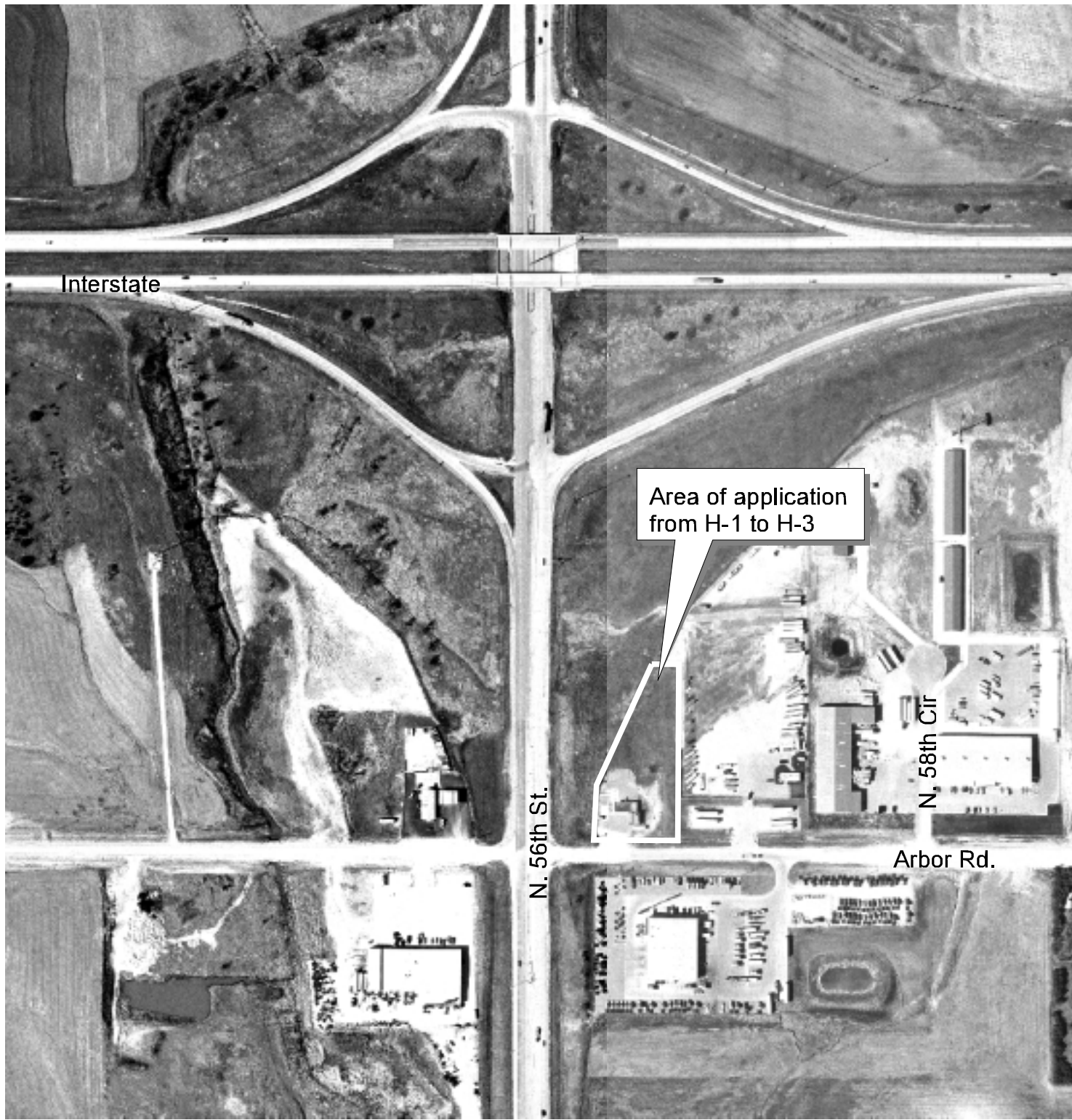
1. This is a request to change the zone from H-1, Highway Commercial District to H-3, Highway Commercial District.
2. The change of zone is not consistent with the H-4 zone on the east side of North 56th Street. Historically the area was zoned H-1, Interstate Commercial to serve Interstate 80. Over time, applications were made to change the zone from interstate commercial to a commercial district that allowed a broader range of commercial uses, H-4, General Commercial District as outlined in the history of this report. There is no land zoned H-3 in the near vicinity and would be out of place and character for the area.
3. H-1 is a zone reserved primarily for interstate-related commercial activities, such as restaurants, hotels & motels, and service stations. H-3 allows a wider variety of commercial uses, including warehouses, lumber yards and stores or shops for retail sales. Additionally, H-3 allows parking in the front yard, parking in the front yard for the sale and resale of vehicles with a special permit and a greater quantity of signs. H-4 is a zone which allows a wider variety of commercial uses, including warehouses, lumber yards and stores or shops for retail sales but does not permit parking in the front yard setback. The setback requirements for H-3 are inconsistent with the surrounding H-4 zoning.
4. The Comprehensive Plan shows this area as commercial, however, adjacent zoning and proximity to the entryway of Lincoln cannot be ignored. The Comprehensive Plan is clear that entryways are an important aspect of the City, one which needs to be protected. Despite the immediate intent of the applicant, the H-3 zoning would allow at its fullest use bottling works, creameries, motor home sales, and vehicles storage while waiting repair, all of which are either permitted or conditionally permitted and can have parking in the front yard setback. Specially permitted H-3 allows for the storage of vehicles for sale and resale on any portion of the lot where parking is permitted, including the front yard.
5. Due to the existence of H-4 zoning on the east side of N. 56th Street, there would not be a great impact of changing the zone to H-4 and would allow a much wider variety of uses than the existing H-1 zoning. Similar property should be treated similarly.
6. Height and area regulations for the H-4 zone are generally more restrictive in terms of required setbacks. It appears that the lot is developable with the required setbacks in any of the three commercial zones discussed. For example, H-1 requires a 25' front yard, H-3 requires a 30' front yard, however parking is allowed in the front yard setback, and H-4 requires a 50' front yard setback. Even though the applicant may not

at this time plan to park in the 30' front yard setback, the H-3 zoning does not preclude the applicant from doing so.

7. Permitted signs for H-1 and H-4 are nearly identical as outlined in Section 27.69.047 of the Zoning Ordinance. H-3 allows more signs than both H-1 and H-4 as noted in Title 27.
8. The Public Works & Utilities Department has no objections to this request but notes that future access to this location will be limited because of the closeness to the intersection and the public way corridor roadway design.

Prepared by:

Becky Horner
Planner



Interstate

N. 56th St.

Area of application
from H-1 to H-3

N. 58th Cir

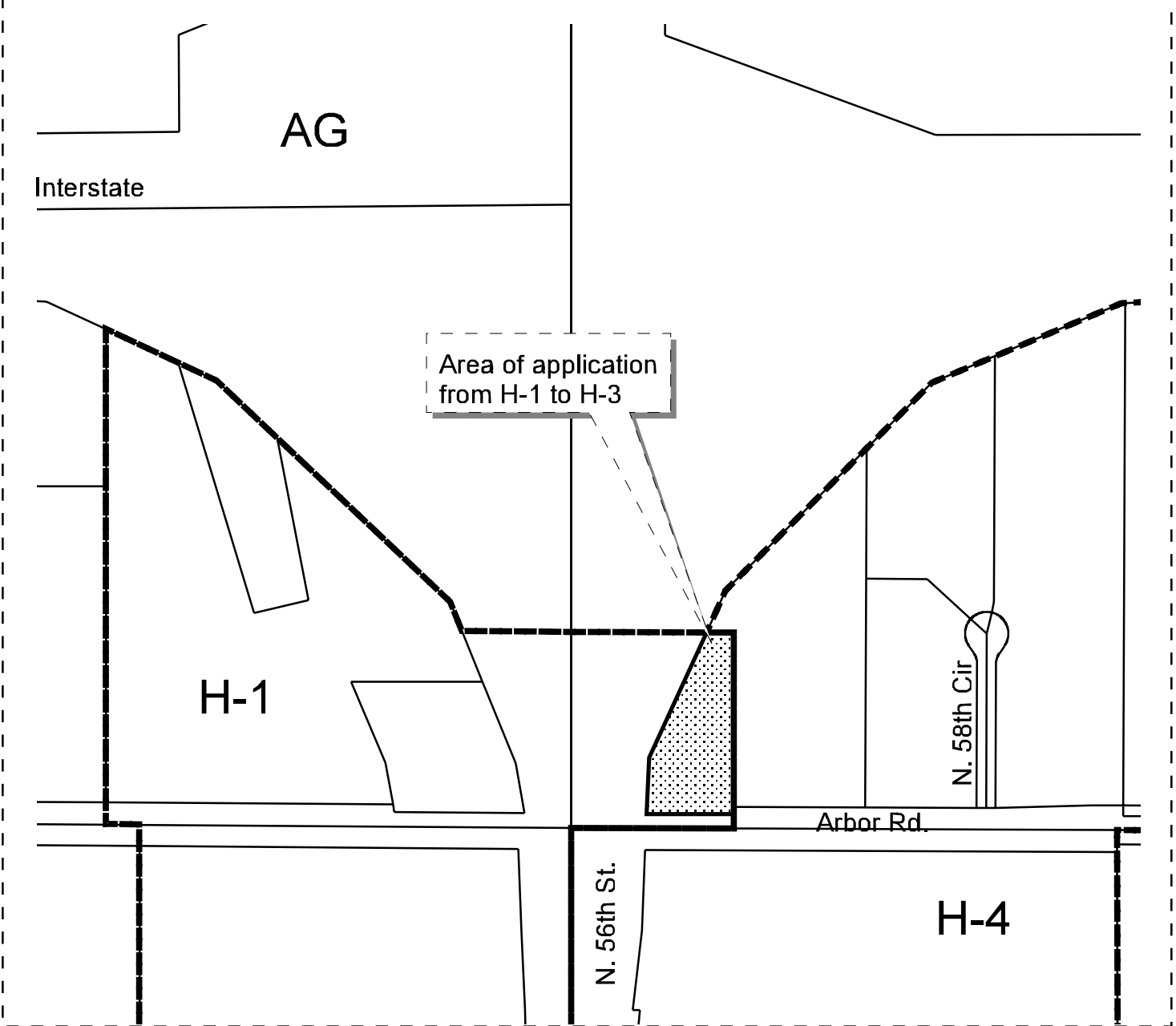
Arbor Rd.

Change of Zone #3345 56th & Arbor Rd.



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

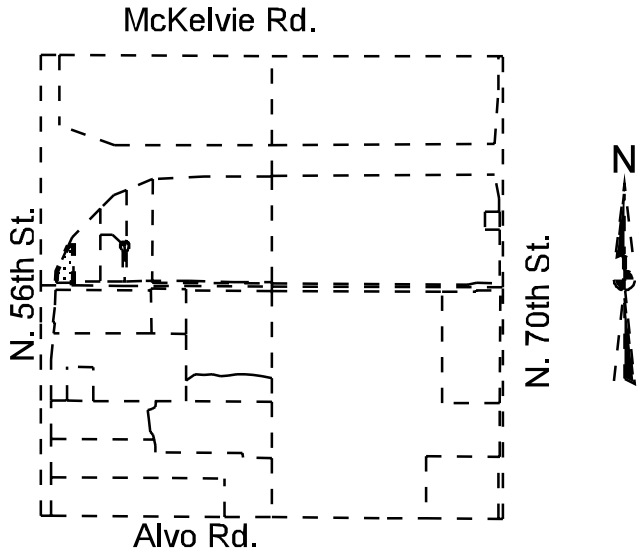
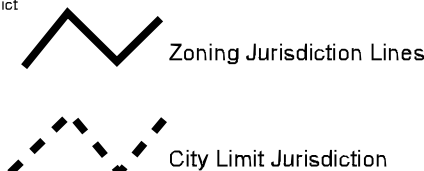


Change of Zone #3345 **56th & Arbor Rd.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 28 T11N R7E



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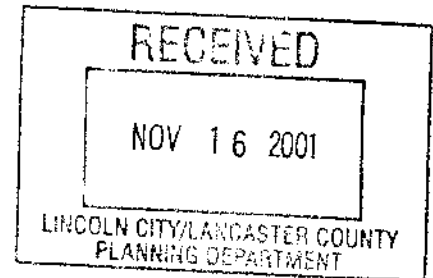
1045 Lincoln Mall, Suite 200
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Lincoln, Nebraska 68509

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Telephone (402) 476-7621

November 16, 2001

VIA HAND DELIVERY

Ray Hill
Planning Department
555 S. 10th Street
Lincoln, NE 68508



Re: *Change of Zone No. 3345*

Dear Ray:

In follow-up of our telephone conversation on November 15, 2001, enclosed is a check in the amount of \$585.00, which covers the additional work necessary to be done by the Planning Department due to our revision to the above-referenced Change of Zone Application. We still want the application to request a change in the zoning district map from H-1 to H-3, as indicated in my letter to Jean Walker dated November 12, 2001.

If you have any questions or concerns, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael T. Johnson".

Michael T. Johnson
For the Firm

MTJ:jls

Enclosure

(G:\WPData\MJ\Whitehead Hill.ltr.wpd)